

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for continuation or Divisional application under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.	03825-P0007A
First Named Inventor	
Examiner Name No.	Anthony D. Stashick
Group / Art Unit	3728
Express Mail Label No.	EL 889 837 681 US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (Continued Prosecution Application (CPA)) of prior application number 09/686,546 filed on November 11, 2000, entitled "Instep Protector".

### NOTES

**FILING QUALIFICATION:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78 (a).

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
Under 37 CFR 1.116 (Amendment After Final Rejection) in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
07/18/2002 CNGUYEN 00000007-09686546.....  
01 FC:131 ..... 740:00-0P .....
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed
  - ☐ PTO-1449
  - ☐ copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.2 hour to complete. Times will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Office, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OF COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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JUL 22 2002

TC 1000 MA 1000

#170  
Reg.  
for  
RCE  
E. J. ...  
7/26/02

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 16(c))	* - 20* =	*	x \$18 =	\$
	INDEPENDENT CLAIMS (37 CFR 1.16(B))	* - 3** =	*	x 84=	
	MULTIPLE DEPENDENT CLAIMS (if applicable)(37 CFR 1.16(d))			+ \$270 =	
				BASIC FEE (37 CFR 1.16)	\$ 740.00
	Total of above Calculations =				
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL = \$ 740.00

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 19-4516:

- a. ☒ Fees required under 37 CFR 1.16 (national filing).  
 b. ☒ Fees required under 37 CFR 1.17 (patent processing).  
 c. ☐ Fees required under 37 CFR 1.18 (patent issue).  
 8. ☒ A check in the amount of \$ 740.00 is enclosed.  
 9. ☐ Payment by credit card. Form PTO-2038 is attached.  
 10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.  
 11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_

(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
 b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)  
 13. ☐ Other: .....

**NOTE:**

The prior application's correspondence address will carry over to this CPA  
 UNLESS a new correspondence address is provided below

**10. NEW CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

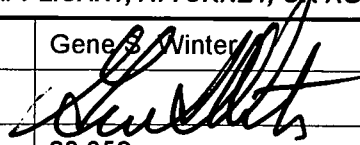
24126

and ☒ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Gene S. Winter				
	St. Onge Steward Johnston & Reens LLC				
Address	986 Bedford Street				
	City	Stamford	State	Connecticut	Zip Code
Country	United States	Telephone	203 324-6155	Fax	203 327-1096

**11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name	Gene S. Winter
Signature	
Registration No. (Attorney/Agent)	28,352
Date	July 16, 2002